

1 [As Amended by House Committee of the Whole]

2
3 As Amended by House Committee

4
5 As Amended by Senate Committee

6 *Session of 2003*

7
8 **SENATE BILL No. 79**

9
10 By Senators Jackson, Bunten and Hensley

11
12 1-28

13
14 ~~AN ACT concerning cities; relating to protest petitions; amending K.S.A.~~
15 ~~12-751a and repealing the existing section. **AN ACT concerning cit-**~~
16 ~~**ies; relating to property located outside the corporate limits of**~~
17 ~~**cities; amending K.S.A. 12-523 and 12-751a and repealing the**~~
18 ~~**existing sections.**~~

19 **[AN ACT concerning political subdivisions of the state; relating to**
20 **cities and counties; amending K.S.A. 12-523, 12-751a, 19-2680**
21 **and 19-2686 and K.S.A. 2002 Supp. 19-2681 and 19-2685 and**
22 **repealing the existing sections.]**

23
24 *Be it enacted by the Legislature of the State of Kansas:*

25 Section 1. K.S.A. 12-751a is hereby amended to read as follows: 12-
26 751a. (a) When used in this section:

27 (1) "City" means any city which has adopted an ordinance which pro-
28 vides for the enforcement of a building code outside the corporate limits
29 of such city as authorized by K.S.A. 12-751, and amendments thereto.

30 (2) "Ordinance" means an ordinance adopted by a city which pro-
31 vides for the enforcement of a building code outside the corporate limits
32 of a city as authorized by K.S.A. 12-751, and amendments thereto.

33 (3) "Qualified elector" means any registered voter required to comply
34 with an ordinance, who resides within the unincorporated area lying
35 within three miles of the corporate limits of a city.

36 (b) Within 30 days of the adoption of an ordinance, the city clerk
37 shall certify to the county election officer a legal description and a map
38 of the area outside the corporate limits of the city governed by the pro-
39 visions of such ordinance and the street addresses of all real estate located
40 therein.

41 (c) ~~Within~~(1) *Except as provided in paragraph (2), within 90 days*
42 *after the effective date of this act or within 90 days after a city has adopted*
43 *an ordinance, a petition signed by at least 20% of the qualified electors*

1 protesting the enforcement of such ordinance outside the corporate limits
2 of the city may be submitted to the county election officer. If a sufficient
3 petition is filed, the county election officer shall notify the board of county
4 commissioners of the county in which such city is located. Unless the
5 governing body of the city modifies the ordinance to remove the provision
6 from the ordinance relating to the enforcement of such building code
7 outside the corporate limits of the city, the board of county commissioners
8 shall submit the proposition of modifying the ordinance to remove the
9 provisions from the ordinance relating to enforcement of such building
10 code outside the corporate limits of the city. Such resolution shall be
11 submitted to the qualified electors at the next regular primary or general
12 county election. Such election shall be called and held in the manner
13 provided by the general bond law. The county election officer shall certify
14 the results of such election to the governing body of the city. If a majority
15 of the qualified electors voting on the question vote in favor thereof, the
16 governing body of the city shall modify such ordinance to remove the
17 provisions from the ordinance relating to the enforcement of such build-
18 ing code outside the corporate limits of the city. Such ordinance shall be
19 adopted within 30 days following the canvass of such election. Such or-
20 dinance shall be adopted in the manner provided by K.S.A. 12-3001, and
21 amendments thereto.

22 *(2) From and after January 1, 2003, within 90 days after the effective*
23 *date of this act or within 90 days after a city has adopted an ordinance,*
24 *a petition signed by at least ~~5%~~ 10% of the qualified electors protesting*
25 *the enforcement of such ordinance outside the corporate limits of the city*
26 *may be submitted to the county election officer. If a sufficient petition is*
27 *filed, the county election officer shall notify the board of county commis-*
28 *sioners of the county in which such city is located. Unless the governing*
29 *body of the city modifies the ordinance to remove the provision from the*
30 *ordinance relating to the enforcement of such building code outside the*
31 *corporate limits of the city, the board of county commissioners shall sub-*
32 *mit the proposition of modifying the ordinance to remove the provisions*
33 *from the ordinance relating to enforcement of such building code outside*
34 *the corporate limits of the city. Such resolution shall be submitted to the*
35 *qualified electors at the next regular primary or general county election.*
36 *Such election shall be called and held in the manner provided by the*
37 *general bond law. The county election officer shall certify the results of*
38 *such election to the governing body of the city. If a majority of the qual-*
39 *ified electors voting on the question vote in favor thereof, the governing*
40 *body of the city shall modify such ordinance to remove the provisions*
41 *from the ordinance relating to the enforcement of such building code*
42 *outside the corporate limits of the city. Such ordinance shall be adopted*
43 *within 30 days following the canvass of such election. Such ordinance*

1 *shall be adopted in the manner provided by K.S.A. 12-3001, and amend-*
2 *ments thereto.*

3 (d) If an election is held pursuant to subsection (c) and a majority of
4 the qualified electors vote in favor of removing the building code, the
5 governing body of the city shall not adopt any such ordinance for at least
6 four years following the date of the election held pursuant to subsection
7 (c).

8 (e) *If any provision of paragraph (2) of subsection (c) or the appli-*
9 *cation thereof to any person or circumstance is held invalid, such inva-*
10 *lidity shall not affect any other provisions or applications of this act which*
11 *can be given effect without the invalid provision or application, and to*
12 *this end the provisions of this act are severable.*

13 ~~Sec. 2. K.S.A. 12-751a is hereby repealed.~~ **Sec. 2. K.S.A. 12-523**
14 **is hereby amended to read as follows: 12-523. Annexation ordi-**
15 **nances of cities shall take effect on publication as provided by law,**
16 **except that any annexation ordinance published within thirty (30)**
17 **60 days before any election specified in this section shall become**
18 **effective on the day following such election, unless such day is also**
19 **within thirty (30) 60 days before any election specified in this sec-**
20 **tion in which case such ordinance shall become effective on the**
21 **day following the last such election. Elections to which this section**
22 **shall apply are: (1) Primary and general election of state, county**
23 **and national officers, and (2) primary and general city elections,**
24 **and (3) primary and general school elections. The provisions of**
25 **this section shall not apply to any special election.**

26 ~~Sec. 3. K.S.A. 12-523 and 12-751a are hereby repealed.~~

27 [New Sec. 3. The area comprising the county of Douglas is
28 hereby designated as an urban area as permitted by section 17 of
29 article 2 of the constitution of the state of Kansas.

30 [Sec. 4. K.S.A. 19-2680 is hereby amended to read as follows:
31 19-2680. Any county which has been declared to be an urban area
32 under the provisions of K.S.A. 19-2654 is hereby authorized to or
33 section 3, and amendments thereto, may adopt, and from time to time
34 amend, a charter for the government of such county. Such charter
35 shall provide for the exercise of powers of local legislation and
36 administration not inconsistent with general law or the constitu-
37 tion of the state of Kansas, and may:

38 [(a) Fix the boundaries of each county commissioner's district,
39 provide a method for changing them from time to time, and fix the
40 number, term, and compensation of the commissioners and their
41 method of election, and shall define and outline duties and powers
42 of the county commissioners;

43 [(b) provide for the exercise of such powers similar or identical

1 **to the powers permitted under K.S.A. 19-101 and article 39 of chap-**
2 **ter 12 of the Kansas Statutes Annotated 12-3901 et seq., and amend-**
3 **ments thereto;**

4 [(c) provide in the charter a method for its amendment;

5 [(d) determine the distribution of legislative and administra-
6 tive duties of the county officials, provide for consolidation or ex-
7 pansion of services as necessary, authorize the appointment of a
8 county administrator or a county manager, and prescribe the gen-
9 eral structure of county government ; and

10 [(e) authorize the appointment of or elimination of elective of-
11 ficials and offices within the charter similar or identical to that
12 authorization permitted the board of county commissioners under
13 article 39 of chapter 12 of the Kansas Statutes Annotated K.S.A. 12-3901
14 et seq., and amendments thereto.

15 [Sec. 5. K.S.A. 2002 Supp. 19-2681 is hereby amended to read
16 as follows: 19-2681. (a) The board of county commissioners of any
17 county which has been declared to be an urban area under the
18 provisions of K.S.A. 19-2654 or section 3, and amendments thereto,
19 may establish a charter commission for such county for the pur-
20 pose of studying, proposing, drafting or amending a charter for
21 the government of such county. The charter commission shall be
22 established by resolution and shall be appointed in the manner
23 and have the powers and duties as hereinafter provided.

24 [(b) A new charter commission shall not be established until
25 four years after the date of the establishment of a prior
26 commission.

27 [Sec. 6. K.S.A. 2002 Supp. 19-2685 is hereby amended to read
28 as follows: 19-2685. (a) The proposed charter shall be submitted
29 by the charter commission to the board of county commissioners
30 and. Subject to the provisions of subsection (b), the board of county
31 commissioners shall submit the proposed charter to the electors
32 of the county at the general election next following submission of
33 the final report in which all qualified electors of the county are
34 eligible to vote. In submitting such proposed charter to the board
35 of county commissioners, the charter commission may submit al-
36 ternative sections or articles to the board of county commissioners.
37 Any alternative sections or articles shall be submitted by the board
38 of county commissioners for approval or rejection by the electors.
39 Any section or article of a proposed charter which affects the size
40 or structure of the board of county commissioners may be sub-
41 mitted at the same election at which the proposed charter is sub-
42 mitted but shall be submitted as a separate question on the ballot.
43 An affirmative vote of a majority of the qualified electors voting

1 **on the question shall be required for the adoption of such charter.**

2 [(b) The board of county commissioners of a county designated an
3 urban area pursuant to section 3, and amendments thereto, may reject a
4 proposed charter submitted to such board pursuant to subsection (a). If
5 the board rejects the proposed charter, the charter shall not be submitted
6 for approval to the electors of the county and such proposed charter shall
7 not be adopted.]

8 **[Sec. 7. K.S.A. 19-2686 is hereby amended to read as follows:**
9 **19-2686. (a) No member of the charter commission shall be eligible**
10 **for election to the office of county commissioner in the first elec-**
11 **tion for county commissioner under the charter if adopted by the**
12 **electorate.**

13 [(b) The provisions of subsection (a) shall not apply to a county des-
14 ignated an urban area pursuant to section 3, and amendments thereto.]

15 **[Sec. 8. K.S.A. 12-523, 12-751a, 19-2680 and 19-2686 and**
16 **K.S.A. 2002 Supp. 19-2681 and 19-2685 are hereby repealed.]**

17 **Sec. ~~3~~ ~~4~~ [9.]** This act shall take effect and be in force from and
18 after its publication in the Kansas register.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43